

504

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 OCT -1 AM 10:53

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ismael RUBIO-Olmeda,

Defendant

Magistrate Docket No.

'07 MJ 2348

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **September 28, 2007** within the Southern District of California, defendant, **Ismael RUBIO-Olmeda**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

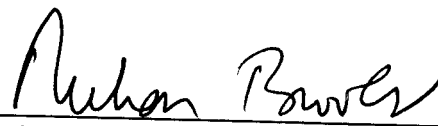


SIGNATURE OF COMPLAINANT

Terri Dimolios

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st DAY OF OCTOBER, 2007**



Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT


I declare under the penalty of perjury that the following statement is true and correct:

On September 28, 2007, at approximately 5:10 A.M., while performing line watch operations Border Patrol Agent J. Gonzales responded to a sensor activation near an area known as "Goat Canyon", which is approximately five miles west of the San Ysidro, California, Port of Entry. At approximately 6:30 A.M., Agent Gonzales searched the area and found six individual attempting to conceal themselves in some brush. Due to the close proximity to the United States/Mexico International Boundary Fence, which is approximately eight hundred yards south, and due to the fact that this area is frequently used by undocumented aliens to further their entry into the United States, Agent Gonzales identified himself as a United States Border Patrol Agent in both the English and Spanish languages, and conducted an immigration interview. All six subjects, including one later identified as the defendant **Ismael RUBIO-Olmeda**, admitted to being citizens and nationals of Mexico illegally in the United States, and did not possess any documents that would allow them to legally enter or remain in the United States. All six individuals were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on July 4, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.


The defendant was advised of his Miranda Rights in the Spanish language. The defendant stated that he understood these rights and was willing to answer questions without the presence of an attorney. The defendant once again admits to being a citizen and national of Mexico illegally in the United States. In addition, the defendant admitted to smuggling the subjects in this event and on other occasions for a financial gain.

Executed on September 29, 2007 at 10:30 A.M.



Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on September 28, 2007, in violation of Title 8, United States Code, Section 1326.



Ruben B. Brooks
United States Magistrate Judge

9/29/2007 at 12:20 p.m.

Date/Time